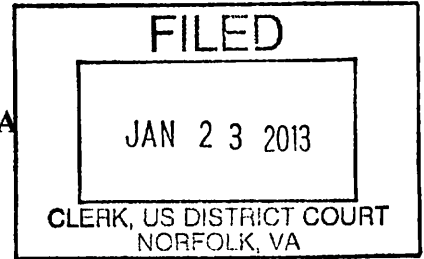


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



UNITED STATES OF AMERICA)
For the use and benefit of)
PROBUILD COMPANY, LLC,)
and)
PROBUILD COMPANY, LLC)
Plaintiffs,)
v.)
EDMUND SCARBOROUGH, et al.,)
Defendants.)

Civil Action No.: 2:11-cv-451

UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On January 23, 2013 the Court held a hearing on the Plaintiff's, ProBuild Company, LLC's, Motion for Entry of Judgment and Attorney's Fees Against Edmund Scarborough for Willful and Knowing Refusal to Obey Conditions of Negotiated Settlement, filed on December 10, 2012, ECF No. 45. This Motion was referred to the undersigned United States Magistrate Judge for a recommended disposition pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. ECF No. 47. Mr. Glen W. Thompson appeared on the Plaintiff's behalf, and Mr. Michael M. Miles appeared on behalf of the Defendant Edmund Scarborough.

At the commencement of the hearing the Court was advised by the Plaintiff's counsel that the settlement proceeds which were the subject of the instant motion had been paid over by the

Defendant and received by the Plaintiff. Additionally, the Plaintiff withdrew its request for attorney's fees. Accordingly, the Court RECOMMENDS that the Plaintiff's Motion for Entry of Judgment and Attorney's Fees Against Edmund Scarborough for Willful and Knowing Refusal to Obey Conditions of Negotiated Settlement be DENIED as moot.

By copy of this Report and Recommendation, the parties are notified that:

1. Any party may serve on the other party and file with the Clerk specific written objections to the foregoing findings and recommendations within fourteen days from the date of mailing of this Report and Recommendation to the objecting party, *see* 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b), computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure, plus three days permitted by Rule 6(d) of these Rules. A party may respond to another party's specific objections within fourteen days after being served with a copy thereof. *See* FED. R. CIV. P. 72(b).

2. A district judge shall make a *de novo* determination of those portions of this Report and Recommendation or specified findings or recommendations to which objection is made. The parties are further notified that failure to file timely objections to the preceding findings and recommendations will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *Carr v. Hutto*, 737 F.2d 433 (4th Cir. 1984); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).



Lawrence R. Leonard
United States Magistrate Judge

Lawrence R. Leonard
United States Magistrate Judge

Norfolk, Virginia
January 23, 2013